

Message Text

LIMITED OFFICIAL USE

PAGE 01 PARIS 22757 051456Z
ACTION IO-14

INFO OCT-01 CIAE-00 CU-02 INR-07 NSAE-00 AID-05 USIA-06
AF-10 ARA-10 EA-07 EUR-12 NEA-10 ISO-00 DHA-02
IOE-00 SP-02 L-03 OIC-02 OPR-02 TRSE-00 /095 W
-----112645 051732Z /44

P R 051401
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 6706
INFO USMISSION GENEVA
USMISSION USUN NEW YORK

LIMITED OFFICIAL USE PARIS 22757

NESCO

E.O. 11652: N/A
TAGS: AORG, OCON, SHUM, UNESCO
SUBJECT: UNESCO: EXECUTIVE BOARD WORKING GROUP TO
STRENGTHEN UNESCO'S HUMAN RIGHTS PROCEDURES, PARIS
AUGUST 1-5, 1977

REFS: A) PARIS 22155, B) STATE 181305

1. AFTER THREE-DAY DEBATE, THE WORKING GROUP (WG)
HAS COMPLETED EXAMINATION OF RELEVANT DOCUMENTS
RELATING TO THE PROCEDURES, IF ANY, THAT UNESCO SHOULD
APPLY WHEN DEALING WITH HUMAN RIGHTS COMPLAINTS.

2. THE REPORT TO BE ADOPTED BY THE WG IS NOW
(THURSDAY, AUGUST 4) BEING DRAFTED BY SECRETARIAT, AND
WILL BE AVAILABLE FOR REVIEW AND REVISION BY THE WG
ALL DAY FRIDAY.

3. THE WG ADOPTED NO FORMAL AGENDA, BUT AGREED TO
CONCENTRATE ITS DISCUSSION ON PART V OF
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 PARIS 22757 051456Z

DOCUMENT 102 EX/19 AND TO DEBATE THE VARIOUS QUESTIONS
IN THE ORDER IN WHICH THEY WERE OUTLINED IN THAT PART
OF DOCUMENT.

4. DURING THE DISCUSSION, USDEL EMPHASIZED THE NEED
TO STRENGTHEN AND MAKE MORE EFFECTIVE UNESCO'S

MACHINERY FOR DEALING WITH COMPLAINTS RELATING TO HUMAN RIGHTS WITHIN UNESCO'S SPHERE OF COMPETENCE, CONCENTRATING ON THE NEED FOR PROCEDURES RELATING TO INDIVIDUAL COMPLAINTS (SO-CALLED CASES).

5. USDEL EMPHASIZED UNESCO'S LEGAL AND CONSTITUTIONAL MANDATE TO DEAL WITH HUMAN RIGHTS COMPLAINTS ALLEGING VIOLATIONS OF HUMAN RIGHTS IN THE FIELDS OF EDUCATION, CULTURE, SCIENCE AND COMMUNICATION. IN THIS CONTEXT, IN PARTICULAR, AND ON A NUMBER OF OTHER OCCASIONS, USDEL SOUGHT TO DEMONSTRATE THAT THE DOMESTIC JURISDICTION CLAUSE IN THE UN CHAPTER AND IN THE UNESCO CONSTITUTION DID NOT PREVENT SUCH HUMAN RIGHTS ACTION BY UNESCO. HERE THE USDEL ADVANCED THE TRADITIONAL LEGAL ARGUMENTS, BESIDES POINTING OUT THAT UNESCO WAS NOT BEING ASKED TO SET UP HUMAN RIGHTS TRIBUNAL NOR WAS IT BEING GIVEN ENFORCEMENT POWERS.

6. USDEL POINTED TO THE NEED FOR STRENGTHENING UNESCO'S PROCEDURES IN THIS FIELD BY CODIFYING AND IMPROVING UNESCO'S CURRENT HIGHLY INFORMAL AND INEFFECTIVE MACHINERY. TO THIS END USDEL ADVANCED VARIOUS OTHER SUGGESTIONS BASED ON POINTS OUTLINED IN POSITION PAPER.

7. TWO PRINCIPAL ISSUES OCCUPIED THE MAJOR PART OF THE THREE-DAY DEBATE. FIRST, THE ISSUE OF UNESCO LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 PARIS 22757 051456Z

COMPETENCE TO DEAL WITH HUMAN RIGHTS AND, SECOND, THE POWER OF UNESCO TO ACT ON INDIVIDUAL COMPLAINTS. WITH REGARD TO THE FIRST POINT, THE SOVIETS AND POLES TOOK THE POSITION THAT UNESCO LACKED THE POWER TO DEAL WITH HUMAN RIGHTS COMPLAINTS BECAUSE THAT WOULD AMOUNT TO INTERVENTION IN DOMESTIC AFFAIRS OF THE MEMBER STATES. THE ONLY EXCEPTIONS THEY RECOGNIZED IN THIS RESPECT APPLIED TO APARTHEID, GENOCIDE AND THEIR SPECIFIED MASSIVE VIOLATIONS OF HUMAN RIGHTS OR INTERNATIONAL ISSUES. NO OTHER DELEGATION SEEMED TO SHARE SO RESTRICTIVE A VIEW OF UNESCO'S COMPETENCE. ON THE SECOND TISSUE -- UNESCO'S POWER TO ACT ON INDIVIDUAL COMPLAINTS -- THE SOVIETS SEEMED TO GRADUALLY SHIFT FROM THEE VIEW THAT NO INDIVIDUAL COMPLAINTS WERE ADMISSIBLE TO ONE ADMITTING ONLY THOSE THAT EXEMPLIFIED AND DEMONSTRATED A GOVERNMENTAL POLICY OF FLAGRANT AND MASSIVE VIOLATIONS. ALTHOUGH THIS VIEW DID NOT COMMAND VERY MUCH SUPPORT, IT WAS CLEAR THAT SOME DELEGATIONS, NOTABLY EGYPT, INDIA AND NIGERIA FELT THAT NOTE SHOULD BE TAKEN OF A DISTINCTION BETWEEN INDIVIDUAL CASES, A SERIES OF

CASES DEMONSTRATING A PATTERN OF MASSIVE VIOLATIONS (SO-CALLED "SITUATIONS"), AND QUESTIONS. A SUBSTANTIAL MAJORITY OF THE DELEGATION EXPRESSED THE VIEW THAT INDIVIDUALS SHOULD BE ABLE TO FILE COMPLAINTS CONCERNING CASES AND SITUATIONS. USDEL DID NOT OPPOSE THIS POSITION IN ORDER NOT TO JEOPARDIZE THE RIGHT OF INDIVIDUALS TO FILE CASES.

8. WITH REGARD TO THE SOURCES OF COMMUNICATIONS, NO OTHER DELEGATIONS SHARED U.S. VIEW THAT NGO'S SHOULD BE FREE TO FILE COMPLAINTS WITHOUT ANY PRECONDITIONS EXCEPT WELL-FOUNDEDNESS OF COMPLAINT. THERE WAS, HOWEVER, CONSIDERABLE SUPPORT FOR GIVING SUCH A RIGHT TO NGOS UNDER CERTAIN CONDITIONS, AND VARIOUS COMPROMISES ARE POSSIBLE TO ENSURE STANDING FOR NGOS.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 PARIS 22757 051456Z

9. USDEL SEEMS TO HAVE BEEN SUCCESSFUL IN PERSUADING WG TO LIBERALIZE VARIOUS PROCEDURAL REQUIREMENTS THAT WOULD HAVE PLACED OBSTACLES IN THE WAY OF COMPLAINT MECHANISMS.

10. USDEL EMPHASIZED NEED FOR PUBLICITY IN DEALING WITH INDIVIDUAL COMPLAINTS. IT IS STILL TOO EARLY TO SAY HOW SUCCESSFUL THIS EFFORT WAS, ALTHOUGH NEED FOR SOME PUBLICITY IN THESE PROCEEDINGS WAS ACKNOWLEDGED BY OTHER DELEGATIONS.

11. WG DISCUSSION HAS THUS FAR PROCEEDED IN A VERY BUSINESSLIKE AND LOW-KEY ATMOSPHERE WITH NO DELEGATION MAKING ATTEMPT TO EXPLOIT THE OCCASION FOR EXTRANEIOUS POLITICAL PURPOSES.

12. USDEL APPRECIATES MOST HELPFUL GUIDANCE PROVIDED IN REFTTEL (B).
HARTMAN

LIMITED OFFICIAL USE

NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, MEETINGS, RESOLUTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 05-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PARIS22757
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Expiration:
Film Number: D770281-0632
Format: TEL
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197708114/aaaafzuz.tel
Line Count: 161
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON MICROFILM, TEXT ON-LINE
Message ID: 0586b350-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 PARIS 22155, 77 STATE 181305
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1444456
Secure: OPEN
Status: <DBA CORRECTED> gwr 970912
Subject: UNESCO: EXECUTIVE BOARD WORKING GROUP TO STRENGTHEN UNESCO'S HUMAN RIGHTS PROCEDURES, PARIS AUGUST 1-5, 1977
TAGS: AORG, OCON, SHUM, AORG, OCON, SHUM, UNESCO
To: STATE
Type: TE
vdkgvkey: odb://SAS/SAS.dbo.SAS_Docs/0586b350-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009